

# DEFENCE FORCE REMUNERATION TRIBUNAL

## DETERMINATION NO 1 OF 1996

### SEAGOING ALLOWANCE

Pursuant to Section 58H of the *Defence Act 1903*, the Defence Force Remuneration Tribunal having inquired into Seagoing and Hard Lying Allowances, hereby determines as follows:

#### PART A – Preliminary

##### Citation

1. This Determination may be cited as Determination No 1 of 1996, Seagoing Allowance.

##### Definitions

2. In this Determination:

“sea day” means a period of 24 hours beginning at midnight, during which a seagoing ship or seagoing submarine:

- (a) is under way for a period or periods totaling at least 8 hours; or
- (b) for the purpose of conducting a specific activity, is at anchor or secured to a mooring in a manner that does not allow direct pedestrian access to the shore.

“seagoing ship” means:

- (a) a ship in commission in the service of the Royal Australian Navy; or
- (b) a ship or other vessel approved by the Chief of the Defence Force for the purposes of this Determination, being a ship under the direction of the Commonwealth or a foreign government;

“seagoing submarine” has the same meaning as in Determination No. 14 of 2008, Submarine Service Allowance.

“sea training group” means:

- (a) the Sea Training Group of the Royal Australian Navy; or
- (b) a comparable overseas sea training organisation approved by the Chief of the Defence Force for the purposes of this Determination.

## **Cumulative sea service**

2A.1 In this Determination, a reference to a year of cumulative sea service, for a member, is a reference to each cumulative period of:

- (a) for a member who is or has been entitled to Seagoing Allowance, Hard Lying Allowance or Submarine Service Allowance — 365 days on which the member is or has been entitled to that allowance; or
- (b) for a member of the Sea Training Group to whom paragraph 3A.1(d) does not apply, or a member of the Fleet Supply Team — 100 sea days completed by the member.

2A.2 If a member has rendered naval sea service in another Defence Force, this service may be deemed to be service with the ADF at the discretion of the Chief of the Defence Force.

## **Interpretation**

3. In this Determination, a reference to the Chief of the Defence Force includes a reference to a person authorised by the Chief of the Defence Force for the purpose of the provision in which the reference occurs.

## **PART B – Seagoing allowance**

### **Application**

3A.1 This Part applies to a member who is entitled to salary and:

- (a) is posted to a seagoing ship; or
- (b) is posted to a shore establishment for service in a seagoing ship; or
- (c) is posted as the Commodore Flotillas; or
- (d) is posted as a member of a sea training group, if the Chief of the Defence Force is satisfied that the member is liable to undertake at least 100 sea days a year.

3A.2 Paragraph 3A.1(b) does not apply to the Maritime Commander or a member of the Maritime Commander's staff.

### **Seagoing Allowance**

4. A member to whom clause 3A applies is entitled to Seagoing Allowance at the rate mentioned in column 2 of the table opposite the member's period of cumulative sea service.

**TABLE**

<b>Column 1</b> <b>Cumulative Sea Service</b>	<b>Column 2</b> <b>Seagoing Allowance</b> <b>\$ a year</b>
Completed less than 3 years	11,758
Completed 3 but less than 6 years	18,223
Completed 6 but less than 11 years	24,601
Completed 11 or more years	28,289

**Allowance not payable**

5.1 If, but for this clause, a member would be entitled for a period to seagoing allowance and would also be entitled to:

- (a) Antarctic allowance;
- (b) hard lying allowance;
- (c) submarine service allowance,

the member is entitled to be paid only one allowance for the period, being the allowance payable at the higher rate.

5.2 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid Seagoing Allowance.

5.3 ...

## Calculation of fortnightly and daily amounts

6.1 The rate of Seagoing Allowance payable to a member on a fortnightly basis is to be calculated as follows:

$$\frac{\text{Annual rate of Seagoing Allowance} \times 14}{365}$$

6.2 The daily rate of Seagoing Allowance payable to a member is to be calculated as one fourteenth part of the fortnightly rate.

## PART C – Boarding party element

### Definitions

6A. In this Part:

“boarding operations” exclude a simulated boarding undertaken during training or exercises;

“boarding party” includes a holding or steaming party;

“day” means a period of 24 hours beginning at midnight;

“target vessel” means a foreign vessel that:

- (a) is being investigated or apprehended during suspected illegal fishing, customs or immigration activities; and
- (b) is boarded in the course of boarding operations.

### Member this Part applies to

6B.1 This Part applies to a member (including a member of the Reserve Forces) who boards a target vessel as a member of a boarding party.

6B.2 A member may be entitled to the boarding party element under this Part even if the member is not entitled to seagoing allowance.

### Entitlement to boarding party element

6C.1 The member is entitled to a boarding party element of **\$55.23** for any day on which the member boards a target vessel.

6C.2 The member is only entitled to the boarding party element once for any day, regardless of how many times the member boards a target vessel that day.

### **Allowance not payable**

6D.1 The member will not be paid the boarding party element while the member is paid deployment allowance.

6D.2 While the member is entitled to the boarding party element, the member is not entitled to arduous conditions allowance.

6D.3 Determination No. 4 of 2008, Allowance for Specialist Operations (Column 5 of Schedules 1 and 2) and Determination No. 5 of 2008, Special Forces Disability Allowance (Column 6 of Schedule 1), prescribe whether a member receiving either of those allowances may also be paid the boarding party element of Seagoing Allowance.

### **PART D – Commencement**

#### **Date of effect**

7.1 This Determination (other than Part C) shall take effect on and from 14 December 1995.

7.2 Part C is to be taken to have commenced on 31 July 2003.

Dated this seventeenth day of January one thousand nine hundred and ninety six.

Major General P.J. Day AO (Retd)  
Member

Commissioner P.L. Leary  
Member

